

U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JAN:AK
F.#2008R01418

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 3, 2008

By ECF and Hand Delivery

Justine Harris, Esq.
Federal Defenders of New York, Inc.
1 Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201

Re: United States v. Norby Marin Moreno
Criminal Docket No. 08-605 (CPS)

Dear Ms. Harris:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-referenced matter. This submission supplements the government's earlier disclosures of October 27, 2008, November 7, 2008, November 13, 2008, and December 1, 2008.

Enclosed are two compact discs containing recordings of the defendant's Metropolitan Detention Center calls.

Enclosed is a video compact disc containing footage of the Metro Hotel on July 31, 2008.

On December 3, 2008, the Government provided the defendant with a copy of Drug Enforcement Administration ("DEA") Special Agent Salvador Aceves' handwritten notes of his telephone calls with DEA Special Agent Richard Walsh on July 31, 2008. These notes are labeled Government's 3500 Material, Exhibit 3500-SA-16.

On July 31, 2008, the defendant made the following oral statements, in sum and substance, to Agent Aceves, none of which were written or recorded by Agent Aceves: (1) the defendant stated that paramilitaries had committed violence against her family; (2) she had been framed by the paramilitaries; (3) she was in the United States to stay with her cousin, Orlinda; (4) she had not contacted Orlinda with regard to staying with her; (5) she could not explain why she had not contacted Orlinda; (6) she bought minutes for her cell phone earlier that day; (6) she

did not call anyone on her cell phone; (7) she could not explain why she did not call anyone on her cell phone; (8) her hotel room was open when she returned, and that was when the drugs were planted; and (9) she did not tell anybody that her hotel room was open when she returned. As the Government has previously advised, it does not intend to use any of these statements in its case-in-chief.

No other agents possess notes reflecting any statements made by the defendant.

The government is obtaining a better-quality photocopy of the defendant's passport, which it will provide for the defendant on December 4, 2008.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney

By: /s/
Ali Kazemi
Assistant U.S. Attorney
(718) 254-6171

Enclosures

cc: Clerk of the Court (CPS) (without enclosures)